

3770. Misbranding of "Dr. D. Kennedy's Cal-Cura Solvent." U. S. v. Dr. David Kennedy Co.
Plea of guilty. Fine, \$50. (F. & D. No. 6055. I. S. No. 6338-a.)

On March 23, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. David Kennedy Co., a corporation, Rondout, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on September 23, 1912, from the State of New York into the State of Pennsylvania, of a quantity of "Dr. D. Kennedy's Cal-Cura Solvent" which was misbranded. The product was labeled: (On carton) "Dr. D. Kennedy's Cal-Cura Solvent (Trade Mark) No. 943 Guaranteed under U. S. Food and Drugs Act, June 30, 1906. Dr. David Kennedy's Sons, Rondout, N. Y. Contains 18.4% of the Purest Grain Alcohol His New Medicine Dissolves and eliminates lithic acid from the Blood; Gravel and Limestone formations from the Kidneys and Bladder; and Gall stones from the Liver. Cures Diabetes, Bright's Disease, Constipation of the Bowels, Dyspepsia and all diseases peculiar to women. Is an invaluable Spring and Fall Remedy for Purifying the Blood, and giving tone and strength to the system debilitated by age and disease. Discovered by Dr. David Kennedy, Kennedy Row, Kingston, N. Y. U. S. A. Directions in English inside (Statement in foreign language) Price One Dollar." (On back of carton) "Dr. D. Kennedy's Cal-Cura Solvent Cures all Constitutional Diseases of the Blood; Scrofula, Cancer, and Canker Humors, Rheumatism and Rheumatic Pains of the Joints and Muscles. It is pleasant to the taste, and adapted to both sexes of every age. Discovered by Dr. David Kennedy, Kennedy Row, Kingston, N. Y. U. S. A." (On sides of carton) "Cal-Cura Solvent." (On bottom flap) "This carton was adopted in November 1904." (On bottle) "(Trade Mark) Cal-Cura Solvent For the removal of all Limestone Deposits in the Kidneys and Bladder, from the largest to the most minute formations, as Gravel, and for the cure of all other Diseases of these organs, such as Bright's Disease and Diabetes. Removes Gall Stones and corrects all derangements of the Liver. Cures the most aggravated cases of Dyspepsia and Constipation of the Bowels, and prevents Appendicitis. As A Blood Purifier and Spring and Fall Medicine, and for all the Ills peculiar to Women Calcure Solvent is Invaluable. Discovered by David Kennedy, M. D. Kennedy Row, Kingston, N. Y. U. S. A. Directions for Using. For Adults, take one to two teaspoonfuls, according to the severity of the case, immediately upon retiring at night, directly after rising, and a third dose at noon-time. For Younger Persons, the dose may be reduced to one teaspoonful. The Dose for Children will be less, in proportion to their age. The above doses may be diluted with a like quantity of water, if preferred. Calcure Solvent is perfectly safe for the most delicate person or the youngest child." (Blown in bottle) "Calcure Solvent." In the circular accompanying the article the following statements, among other things, appeared: "The many serious eruptions of the skin, such as Erysipelas, Eczema, Scald-Head, Scrofula, Cancer, Inherited and Contagious Humors, Glandular Swelling, Boils and Carbuncles, Tumors, Ulcers, Chronic Rheumatism, and every form of disease, of the Skin and Scalp, arise from the impure or impoverished condition of the blood—the result of a morbid condition of the system. While it is sometimes possible to repel an eruption from the surface by external medicinal application, still the disease is rarely cured by this method. To reach the impurities in the blood, and to cleanse it of all deteriorating properties, it is evident that the only logical and proper treatment is the use of an internal remedy.. Calcure Solvent purifies and strengthens the blood and affords a complete, natural and permanent cure for these various, torturing, disfiguring and dangerous skin diseases."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the sample consisted of a hydroalcoholic sweetened liquid containing potassium acetate, 2.44 per cent, alcohol, 16.75 per cent, cane sugar, 52.46 per cent, and vegetable matter resembling mint, cardamon and boneset.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) “* * * Cal-Cura Solvent * * * Dissolves and eliminates * * * gravel and limestone formations from the kidneys and bladder and gall stones from the liver. Cures diabetes, Bright’s disease, * * * and all diseases peculiar to women. * * * Cures all constitutional diseases of the blood, scrofula, cancer, * * * rheumatism, * * *” (On bottle) “* * * Cal-Cura Solvent for the removal of all limestone deposits in the kidneys and bladder, from the largest to the most minute formation, as gravel; and for the cure of all other diseases of these organs, such as Bright’s disease and diabetes. Removes gall stones and corrects all derangements of the liver. * * * prevents appendicitis,” were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for dissolving and eliminating gravel and limestone formations from the kidneys and bladder and gall stones from the liver; and effective for curing diabetes, Bright’s disease, all diseases peculiar to women, all constitutional diseases of the blood, scrofula, cancer, and rheumatism; and effective for preventing appendicitis; when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, for dissolving or eliminating gravel or limestone formations from the kidneys or bladder or gall stones from the liver; or effective for curing diabetes, Bright’s disease, or all diseases peculiar to women, or all constitutional diseases of the blood, scrofula, cancer, or rheumatism; or effective for preventing appendicitis.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of said article included in the circular or pamphlet aforesaid, to wit, “* * * Erysipelas, Eczema. * * * Scrofula, Cancer, Inherited and Contagious Humors, * * * Chronic Rheumatism, and every form of disease of the Skin and Scalp, arise from impure or impoverished condition of the blood * * * Calcura Solvent purifies and strengthens the blood and affords a complete, natural and permanent cure for these various torturing, disfiguring and dangerous skin diseases.” “The most trustworthy cure, however, for Malaria is Calcura Solvent * * *.” “Disease of the Liver—By restoring it to its normal condition, Calcura Solvent will absolutely cure all diseases of the liver,” were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained, ingredients or medicinal agents effective, among other things, for purifying and strengthening the blood and affording a complete, natural and permanent cure for the following torturing, disfiguring and dangerous skin diseases, erysipelas, eczema, scrofula, cancer, inherited and contagious humors, chronic rheumatism, and every form of disease of the skin and scalp; and effective for curing malaria, and effective for curing all diseases of the liver; when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective, among other things, for purifying and strengthening the blood and affording a cure for erysipelas, eczema, scrofula, cancer, inherited and contagious humor[s], chronic rheumatism or every form of disease of the skin or scalp; or effective for curing malaria; or effective for curing all diseases of the liver.

On March 31, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 1, 1915.